



1775 Wehrle Drive, Suite 100
Williamsville, New York 14221
Phone (716)204-1700
Fax (716)204-1702
<http://www.GrossPolowy.com/>

January 17, 2020

Via ECF:

Judge Nelson Stephen Roman
United States District Court for the Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *U.S. Bank National Association, Not In Its Individual Capacity But Solely As Trustee
For The RMAC Trust, Series 2016-CTT vs. Ernesto Parker, Nancy A. Parker*
Civil Action #: 19-cv-7595 (NSR)

Dear District Judge Roman:

This Law Firm represents the Plaintiff in this diversity jurisdiction residential mortgage foreclosure action commenced pursuant to 28 U.S.C. §1332(a)(1). I am writing with respect to the Plaintiff's contemplated Fed. R. Civ. P. §55(b)(2) motion for default judgment in which the Plaintiff will submit documentary proof federal subject matter jurisdiction exists based on the citizenship of the parties.

U.S. Bank National Association is a national bank whose citizenship is governed by 28 U.S.C. §1348, which states national banks – an American bank whose name includes the word “National” or the abbreviation “N.A.” – are deemed “citizens of the States in which they are respectively located.” With respect to “location”, the Supreme Court in *Wachovia Bank v. Schmidt*, 546 U.S. 303, 307 (2006) held that a national bank, for 28 U.S.C. §1348 purposes, is a citizen of the State in which its main office, as set forth in its articles of association, is located. According to the U.S. Bank National Association Articles of Association, the main office of the Association is in Cincinnati, Ohio.

To establish U.S. Bank N.A. – rather than the RMAC Trust, Series 2016-CTT - is the real party to the controversy whose control over the assets held in its name is real and substantial (*Navarro Sav. Ass'n v. Lee*, 446 U.S. 458, 460 (1980); *Carden v. Arkoma Assocs.*, 494 U.S. 185, 191 (1990)), the Plaintiff intends to submit the Trust Agreement for the RMAC Trust, Series 2016-CTT, which shows the U.S. Bank N.A., as Trustee possesses those customary powers based on its authority under the declaration of trust to take legal title to trust assets, to invest those assets for the benefit of the shareholders, and to sue and be sued in their capacity as trustees. However, the Trust Agreement contains certain privileged, proprietary, and sensitive financial information. Therefore, the Plaintiff respectfully requests Your Honor permit the Plaintiff to file the pages containing such sensitive information under seal pursuant to Your Honor's Individual Practices in Civil Cases section 4(ii).

Thank you for your consideration and time.

The application is ☒ granted.
☐ denied.

Respectfully,

/SJV/

Stephen J. Vargas, Esq.

Nelson S. Román, U.S.D.J.

Dated: Jan. 22, 2020

White Plains, New York 10601

Clerk of the Court requested to
terminate the motion (doc. 16).

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DATE FILED: 1/22/2020